

Washington

2012

## **LR88-CR01-10 - CONCERNING PRETRIAL RELEASE**

WHEREAS, the Judge of Washington Circuit Court and the Judge of the Washington Superior Court having determined that it would be beneficial to provide a uniform bond schedule for criminal cases filed in each Court, and to further fix by local rule the minimum periods of time of incarceration for persons arrested for drug and alcohol related offenses:

The following uniform bond schedule is hereby adopted by each Court effective on JANUARY 1, 2010 for arrests **WITHOUT** Warrants:

### **1. NO STANDARD BOND**

Although bond may be set at any time by Court Order, there shall be **NO** standard bond for persons:

A. Accused of committing, attempting, aiding, inducing or assisting:

- |                        |  |
|------------------------|--|
| 1. Resisting Arrest    | 7. Rape  |
| 2. Fleeing             | 8. Any offense involving use of a deadly weapon        |
| 3. Escape              | 9. Any offense alleging serious bodily injury or death |
| 4. Battery             | 10. Leaving the scene of an accident                   |
| 5. Invasion of privacy | 11. Intimidation                                       |
| 6. Murder              |  |

B. On PROBATION, DAY REPORTING PROGRAM or COMMUNITY TRANSITION PROGRAM at time of arrest, or listed as active in the most current reports.

C. Free ON ANOTHER BOND at time of arrest.

D. Living OUTSIDE OF INDIANA.

E. On PRETRIAL DIVERSION at the time of arrest.

F. Who REFUSE a Chemical Test under I.C. 9-30-6

### **2. DRUG OFFENSES**

A PERSON ARRESTED FOR AN OFFENSE INVOLVING THE USE, POSSESSION, OR SALE OF DRUGS SHALL BE DETAINED FOR AT LEAST 24 HOURS BEFORE BOND MAY BE POSTED.

### **3. PUBLIC INTOXICATION WITHOUT BREATH TEST**

A person arrested for Public Intoxication shall be detained a minimum of FIVE (5) hours if no portable breath test is offered by an officer.

4. **GENERAL SCHEDULE OF OTHER CASES**

For bailable offenses (not excluded by paragraph #1), the following bond schedule shall apply:

**FELONIES**

**CLASS A FELONY**

\$40,000 FULL CASH  
\$1,000 CASH plus \$180,000 SURETY  
\$1,000 CASH plus \$360,000 PROPERTY

**CLASS B FELONY**

\$20,000 FULL CASH  
\$1,000 CASH plus \$90,000 SURETY  
\$1,000 CASH plus \$180,000 PROPERTY

**CLASS C FELONY**

\$5,000 FULL CASH  
\$1,000 CASH plus \$20,000 SURETY  
\$1,000 CASH plus \$40,000 PROPERTY

**CLASS D FELONY**

\$1,500 FULL CASH  
\$1,000 CASH plus \$1,000 SURETY  
\$1,000 CASH plus \$5,000 PROPERTY

**MISDEMEANORS**

CLASS A	500 CASH ONLY
CLASS B	400 CASH ONLY
CLASS C	300 CASH ONLY

NO TEN PERCENT (10%) CASH DEPOSIT IS AUTHORIZED ON ANY BOND.

5. **FORFEITURE OF BOND**

When permitted by law, bonds may be forfeited for failure of the Defendant to appear.

6. **CASH BONDS KEPT FOR COSTS**

When permitted by law, all or part of a full cash bond may be retained to cover:

- |                                       |  |
|---------------------------------------|--|
| 1. Court appointed attorney fees      | 9. Weed Eradication fee                        |
| 2. Restitution                        | 10. D.A.P.I.C. fee                             |
| 3. Court costs                        | 11. Prosecutor's Drug Investigation fee        |
| 4. Fines                              | 12. Any other cost or fee ordered by the Court |
| 5. Community service work fees        | 13. Destruction of public property.            |
| 6. Alcohol & Drug Users Program fee   |  |
| 7. Alcohol & Drug Countermeasures fee |  |
| 8. Probation Users fee                |  |

7. **CONDITIONS OF RELEASE**

A. Defendant shall

1. Appear for all hearings as Ordered,
2. Complete and sign a Terms and Conditions for Release on Bond form.

B. Defendant shall NOT

1. Commit any crime,
2. Attempt to commit any crime.
3. Violate any order of the Washington Circuit or Superior Court.
4. Violate any term or condition listed in the Terms and Conditions for Release on Bond form.

8. **REVOCATION OF BOND**

Bond may be revoked and the Defendant rearrested upon a showing of probable cause to believe that any condition of release has been violated.

9. **DISTRIBUTION OF THIS RULE**

The sheriff shall make one copy of this rule available to any Defendant or citizen upon request, and without charge.

10. **ALCOHOL RELATED OFFENSES**

	PERCENTAGE BLOOD ALCOHOL LEVEL	HOURS AFTER INITIAL READING IS TAKEN
A person arrested for an alcohol related offense (including P.I., if a portable breath test is offered) shall be detained before bond is posted in accordance with this schedule.	.08 or less.....	5
	.09.....	5
	.10.....	5
	.11.....	6
	.12.....	7
	.13.....	8
	.14.....	9
	.15.....	10
	.16.....	11
	.17.....	12
	.18.....	13
	.19.....	14
	.20.....	15
	.21.....	16
	.22.....	17
	.23.....	18
	.24.....	19
	.25.....	20
	.26.....	21
	.27.....	22
	.28.....	23
	.29.....	24
	.30 and above.....	24
	REFUSAL TO SUBMIT.....	NO BOND UNTIL SET BY COURT

#### 11. **DISCRETION OF JUDGES**

This rule shall NOT limit the discretion of either Court Judge to deny bond or to set different amounts and/or conditions for release on a case by case basis.

#### 12. **MEDICAL EMERGENCY**

When the Sheriff or his designated Jail Commander determines that:

- a. a medical emergency exists which requires a prisoner to be treated outside the jail; and
- b. the prisoner does not present an immediate risk to public safety; and
- c. the Sheriff lacks staffing manpower to provide a full time guard during medical treatment,

then the Sheriff or designated Jail Commander may authorize the release of the prisoner on a medical furlough or upon the prisoner's own recognizance, and notify the Court promptly thereafter of the action. The prisoner must agree in writing (if able) to return on the date and time assigned by the Sheriff and to such conditions (including alcohol and drug testing) as the Sheriff chooses to impose.

#### 13. **PROOF OF IDENTITY**

No prisoner shall be released until fingerprinted, photographed and has provided proof of identity.